

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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GREG GARNO, 15-B-0533,

Plaintiff,

v.

CLAY RUGER,  
RONALD SPIKE,  
JASON COOK, and  
THE COUNTY OF YATES,

Defendants.

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**DECISION AND ORDER**  
14-CV-239-A

This *pro se* civil rights case was referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. § 636(b)(1) for the conduct of pretrial proceedings. On March 29, 2019, Magistrate Judge Schroeder filed a Report and Recommendation (Dkt. No. 48), recommending that defendants' motion for summary judgment (Dkt. No. 41) pursuant to Fed. R. Civ. P. 56 be granted, and that plaintiff Garno's motion to dismiss the defendants' summary judgment motion (Dkt. No. 45) be denied.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

**ORDERED**, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in the Report and Recommendation, defendants' motion for summary judgment (Dkt. No. 41) is granted, and *pro se* plaintiff's motion to dismiss the defendants' summary judgment motion (Dkt. No. 45) is denied.

The Clerk of Court shall take all steps necessary to close the case.

**IT IS SO ORDERED.**

s/Richard J. Arcara  
HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT COURT

Dated: September 12, 2019